

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-145

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009

To approve, on an emergency basis, certain contracts between the Washington Convention Center Authority and the Washington, DC Convention and Tourism Corporation for marketing services and to authorize payments for services received and to be received under the contracts.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Washington, DC Convention and Tourism Corporation Marketing Contracts Approval and Payment Authorization Emergency Act of 2009".

Sec. 2. (a) Pursuant to section 451(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 803; D.C. Official Code § 1-204.51(c)(3)), and notwithstanding the requirements of section 105a of the District of Columbia Procurement Practices Act of 1985, effective March 8, 1991 (D.C. Law 8-257; D.C. Official Code § 2-301.05a), the Council of the District of Columbia approves:

(1) The 2001 Marketing Agreement between the Washington Convention Center Authority and the Washington, DC Convention and Tourism Corporation (dba "Destination DC") that, by its terms, automatically renewed for an additional 5-year term on October 1, 2006, and pursuant to which the Washington, DC Convention and Tourism Corporation has provided marketing services to the Authority as required by section 208a of the Washington Convention Center Authority Act of 1994, effective August 12, 1998 (D.C. Law 12-142; D.C. Official Code § 10-1202.05a) ("Section 208a"); and

(2) Contract No. WCCA-09-OCPS-10, a multiyear Amended and Restated Marketing Agreement with the Washington, DC Convention and Tourism Corporation (dba "Destination DC") in the amount of 86% of the funds deposited into the Washington Convention Center Marketing Fund, to provide marketing services to the Authority as required by Section 208a.

(b) The Council authorizes payments to the Washington, DC Convention and Tourism Corporation for services received and to be received under the foregoing contracts.

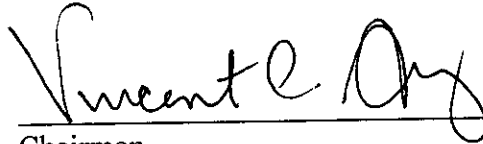
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Sec. 3. Fiscal impact statement.

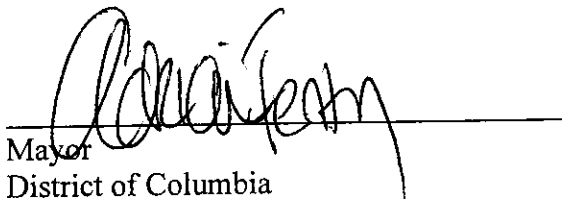
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-146

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

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To amend, on an emergency basis, the District of Columbia Health Occupations Revision Act of 1985 to define the Boards of Allied Health and Behavioral Health, to define the terms revocation and suspension, to establish the position of Executive Director for the Boards of Allied Health, to establish the position of Executive Director for the Boards of Behavioral Health, to redefine the term quorum, to define the terms reciprocity, endorsement, conviction, moral turpitude, and health care record, to amend administrative and credentialing requirements and procedures to ensure equal application to persons practicing health occupations requiring registrations or certifications, to sanction a licensee, registrant, or person certified for failing to provide health care records, for engaging in improper sexual conduct, abandoning a patient, failing to report suspected child abuse, withholding services because a person is HIV positive, refusing to provide services where refusal places an unreasonable burden on a patient, client, or customer, for attempting to cause a person to withhold testimony or prevent information from reaching a board or the Office of Administrative Hearings, for misrepresenting credentials, failing to keep adequate records, trying to influence or induce patronage, practicing under a name other than his or her own, making false or misleading statements regarding skills, being subject to repeated health or client liability claims, failing to cooperate in or obstructing an investigation ordered by a board, continuing to practice a health profession when the person licensed, registered, or certified knows he or she has an infectious or communicable disease and there is a high probability that the disease may be transmitted to a patient or client, for committing Medicaid, Medicare, or insurance fraud, for falsifying an application to establish or operate a school of nursing or nursing program, to prohibit a person from using or implying the use of any title as it relates to the practice of chiropractic, occupational therapy, psychology, addiction counseling, polysomnography, an occupational therapy assistant, or nursing assistive personnel unless authorized, to authorize the Office of the Attorney General for the District of Columbia to bring an action in the Superior Court of the District of Columbia to enjoin the unlawful practice of a health occupation that is grounds for a criminal penalty or disciplinary action under this act, to require health professionals to provide copies of records, and to require records to be maintained for a specific period of time.

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BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Health Occupations Revision General Amendment Emergency Amendment Act of 2009".

Sec. 2. The District of Columbia Health Occupations Revision Act of 1985, effective March 25, 1986 (D.C. Law 6-99; D.C. Official Code § 3-1201.01 *et seq.*), is amended as follows:

(a) The table of contents is amended as follows:

(1) Title II is amended by adding new designations for sections 219 and 220 to read as follows:

"Sec. 219. Boards of Allied Health executive director.

"Sec. 220. Boards of Behavioral Health executive director."

(2) Title V is amended as follows:

(A) The heading is amended by striking the word "LICENSING" and inserting the phrase "LICENSING, REGISTRATION, OR CERTIFICATION" in its place.

(B) Strike the phrase "Sec. 501. License required." and insert the phrase "Sec. 501. License, registration, or certification required." in its place.

(C) Strike the phrase "Sec. 505. Application for license." and insert the phrase "Application for license, registration, or certification." in its place.

(D) Strike the phrase "Sec. 508. Issuance of license." and insert the phrase "Sec. 508. Issuance of license, registration, or certification." in its place.

(E) Add a new designation for section 508a to read as follows: "Sec. 508a. Temporary license, registration, or certification."

(F) Strike the phrase "Sec. 509. Scope of license." and insert the phrase "Scope of license, registration, or certification." in its place.

(G) Strike the phrase "Sec. 510. Term and renewal of licenses." and insert the phrase "Sec. 510. Term and renewal of licenses, registrations, or certifications." in its place.

(H) Strike the phrase "Sec. 512. Reinstatement of expired licenses." and insert the phrase "Sec. 512. Reinstatement of expired licenses, registrations, or certifications." in its place.

(I) Strike the phrase "Sec. 513. Display of licenses; change of address." and insert the phrase "Sec. 513. Professional requirements." in its place.

(J) Strike the phrase "Sec. 517. Voluntary surrender of license." and insert the phrase "Sec. 517. Voluntary surrender of license, registration, or certification." in its place.

(K) Strike the phrase "Sec. 518. Voluntary limitation or surrender of license by impaired health professional." and insert the phrase "Sec. 518. Voluntary limitation or surrender of a license, registration, or certification by impaired health professional." in its place.

(L) Strike the phrase "Sec. 521. Reinstatement of suspended or revoked

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license.” and insert the phrase “Sec. 521. Reinstatement of suspended or revoked license, registration, or certification.” in its place.

(M) Add a new designation for section 523 to read as follows:

“Sec. 523. Suspension of license, registration, or certification during incarceration for felony or misdemeanor conviction.”.

(3) Title X is amended as follows:

(A) Strike the phrase “Sec. 1001. Practicing without a license.” and insert the phrase “Sec. 1001. Practicing without license, registration, or certification.” in its place.

(B) Add a new designation for section 1011 to read as follows:

“Sec. 1011. Patient or client records.”.

(b) Section 101 (D.C. Official Code § 3-1201.01) is amended as follows:

(1) New paragraphs (1A) and (1B) are added to read as follows:

“(1A) “Boards of Allied Health” means the Board of Audiology and Speech-Language Pathology, the Board of Dentistry, the Board of Dietetics and Nutrition, the Board of Massage Therapy, the Board of Nursing Home Administration, the Board of Occupational Therapy, the Board of Optometry, the Board of Physical Therapy, the Board of Podiatry, and the Board of Respiratory Care.

“(1B) “Boards of Behavioral Health” means the Board of Marriage and Family Therapy, the Board of Professional Counseling, the Board of Psychology, and the Board of Social Work.”.

(2) A new paragraph (12A) is added to read as follows:

“(12A) “Revocation” means termination of the right to practice a health profession and loss of licensure, registration, or certification for 5 years or more.”.

(3) A new paragraph (15) is added to read as follows:

“(15) “Suspension” means termination of the right to practice a health profession for a specified period of time of less than 5 years or until such time that the specified conditions in an order are satisfied.”.

(c) New sections 219 and 220 (to be codified at D.C. Official Code § 3-1202.19 and 3-1202.20) are added to read as follows:

“Sec. 219. Boards of Allied Health executive director.

“The Mayor shall appoint an executive director, who shall be a full-time employee of the District, to implement and administer the orders of the Boards of Allied Health in accordance with this act and rules and regulations issued pursuant to this act.

“Sec. 220. Boards of Behavioral Health executive director.

“The Mayor shall appoint an executive director, who shall be a full-time employee of the District, to implement and administer the orders of the Boards of Behavioral Health in accordance with this act and rules and regulations issued pursuant to this act.”.

(d) Title IV (D.C. Official Code § 3-1204.01 *et seq.*) is amended as follows:

(1) Section 403 (D.C. Official Code § 3-1204.03) is amended by striking the phrase “terms.” and inserting the phrase “terms; provided, that the Mayor may appoint a

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member of a board to serve more than 3 full terms if considered necessary.” in its place.

(2) Section 405 (D.C. Official Code § 3-1204.05) is amended as follows:

(A) Subsection (c) is amended by striking the word “members” and inserting the phrase “appointed members” in its place.

(B) A new subsection (d) is added to read as follows:

“(d) An affirmative vote of a majority of a quorum shall be required to approve a measure before a board.”.

(e) Title V (D.C. Official Code § 3-1205.01 *et seq.*) is amended as follows:

(1) The title heading is amended by striking the phrase “Licensing of Health Professionals” and inserting the phrase “Licensing, Registration, or Certification of Health Professionals.” in its place.

(2) Section 501 (D.C. Official Code § 3-1205.01) is amended to read as follows:

“Sec. 501. License, registration, or certification required.

“(a) A license issued pursuant to this act is required to practice medicine, acupuncture, chiropractic, registered nursing, practical nursing, dentistry, dental hygiene, dietetics, marriage and family therapy, massage therapy, naturopathic medicine, nutrition, nursing home administration, occupational therapy, optometry, pharmaceutical detailing, pharmacy, physical therapy, podiatry, psychology, social work, professional counseling, audiology, speech-language pathology, respiratory care, advanced practice addiction counseling, or to practice as an anesthesiologist assistant, physician assistant, physical therapy assistant, polysomnographic technologist, occupational therapy assistant, or surgical assistant in the District, except as otherwise provided in this act. Registration is required to practice as nursing assistive personnel, or as a psychology associate, polysomnographic technician or trainee, or dental assistant. Certification is required to practice as an addiction counselor I, or an addiction counselor II, and to practice advanced practice registered nursing.

“(b) A license, registration, or certification is the property of the District of Columbia and shall be surrendered on demand of the licensor.”.

(3) Section 502 (D.C. Official Code § 3-1205.02) is amended as follows:

(A) The lead-in language is amended to read as follows:

“The provisions of this act prohibiting the practice of a health occupation without a District of Columbia license, registration, or certification shall not apply.”.

(B) Paragraph (3) is amended to read as follows:

“(3) To an individual, licensed, registered, or certified to practice a health occupation in a state, who is providing care to an individual or group for a limited period of time, or who is called from a state in professional consultation by or on behalf of a specific patient or client to visit, examine, treat, or advise the specific patient or client in the District, or to give a demonstration of a procedure or clinic in the District; provided, that the individual engages in the provision of care, consultation, demonstration, or clinic in affiliation with a comparable health professional licensed, registered, or certified pursuant to this act;”.

(C) A new paragraph (3A) is added to read as follows:

“(3A) To an individual retained to testify as an expert witness in any court or administrative proceeding, hearing, or trial;”.

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(4) Section 504 (D.C. Official Code § 3-1205.04) is amended as follows:

(A) Subsection (a)(1) is amended by striking the phrase “licensed physician,” and inserting the phrase “licensed physician or chiropractor,” in its place.

(B) Subsection (b)(1) is amended by striking the phrase “Education or the Straight Chiropractic Academic Standards Association; and” and inserting the phrase “Education or the Straight Chiropractic Academic Standards Association, or approved by the Board of Chiropractic; and” in its place.

(C) A new subsection (e-2) is added to read as follows:

“(e-2) An individual applying for a license to practice nursing under this act who was previously licensed in any jurisdiction and has not been actively practicing for 5 years or more shall submit proof of having completed a board-approved refresher course.”.

(D) Subsection (q)(D) is amended as follows:

(i) Sub-subparagraph (i) is amended by striking the word “or” at the end.

(ii) Sub-subparagraph (ii) is amended by striking the phrase “Assistants.” and inserting the phrase “Assistants; or” in its place.

(iii) A new sub-subparagraph (iii) is added to read as follows:

“(iii) The National Board of Surgical Technology and Surgical Assisting.”.

(5) Section 505 (D.C. Official Code § 3-1205.05) is amended as follows:

(A) The heading is amended by striking the phrase “Application for license.” and inserting the phrase “Application for license, registration, or certification.” in its place.

(B) Subsection (a) is amended by striking the phrase “An applicant for a license shall:” and inserting the phrase “An applicant for a license, registration, or certification shall:” in its place.

(C) Subsection (b) is amended as follows:

(i) Strike the phrase “license issued” and insert the phrase “license, registration, or certification issued” in its place.

(ii) Strike the phrase “license, the issuing” and insert the phrase “license, registration, or certification, the issuing” in its place.

(6) Section 506 (D.C. Official Code § 3-1205.06) is amended as follows:

(A) Subsection (a) is amended by striking the word “license” and inserting the phrase “license, registration, or certification” in its place.

(B) Subsection (e)(1) is amended by striking the word “licensure” and inserting the phrase “licensure, registration, or certification” in its place.

(7) Section 507 (D.C. Official Code § 3-1205.07) is amended to read as follows:

“Sec. 507. Reciprocity and endorsement.

“(a) For the purposes of this section, the term:

“(1) “Endorsement” means the process of issuing a license, registration, or certification to an applicant who is licensed, registered, certified, or accredited by an accrediting association or a state board and recognized by the Board as a qualified professional

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according to standards that were the substantial equivalent at the time of the licensing, registration, certification, or accreditation to the standards for that profession set forth in this act and who has continually remained in good standing with the licensing, registering, certifying, or accrediting association or state board from the date of licensure, registration, certification, or accreditation until the date of licensure, registration, or certification in the District.

“(2) “Reciprocity” means the process of issuing a license, registration, or certification to an applicant who is licensed, registered, or certified and in good standing under the laws of another state with requirements that, in the opinion of the Bboard, were substantially equivalent at the time of licensure, registration, or certification to the requirements of this act, and that state admits health professionals licensed, registered, or certified in the District of Columbia in a like manner.”.

“(b) Each board shall issue a license, registration, or certification to an applicant who qualifies by reciprocity or endorsement and who pays the applicable fees established by the Mayor.”.

(8) Section 508 (D.C. Official Code § 3-1205.08) is amended as follows:

(A) The heading is amended by striking the phrase “Issuance of license.” and inserting the phrase “Issuance of license, registration, or certification.” in its place.

(B) The existing text is amended by striking the word “license” and inserting the phrase “A license, registration, or certification” in its place.

(9) A new section 508a (to be codified at D.C. Official Code § 3-1205.08a) is added to read as follows:

“Sec. 508a. Temporary license, registration, or certification.

“A board may issue a temporary license, registration, or certification to an applicant for a fixed period of time, under conditions prescribed by the Mayor through rulemaking, who is licensed, registered, or certified and in good standing to practice in another jurisdiction.”.

(10) Section 509 (D.C. Official Code § 3-1205.09) is amended as follows:

(A) The heading is amended by striking the phrase “Scope of license.” and inserting the phrase “Scope of license, registration, or certification.” in its place.

(B) Subsection (a)(1) is amended as follows:

(i) Strike the word “licensed” and insert the phrase “licensed, registered, or certified” in its place.

(ii) Strike the word “license” and insert the phrase “license, registration, or certification” in its place.

(C) Subsection (b) is amended as follows:

(i) Strike the word “license” and insert the phrase “license, registration, or certification” in its place.

(ii) Strike the word “unlicensed” and insert the phrase “unlicensed, unregistered, or uncertified” in its place.

(11) Section 510 (D.C. Official Code § 3-1205.10) is amended as follows:

(A) The heading is amended by striking the phrase “Term and renewal of licenses.” and inserting the phrase “Term and renewal of licenses, registrations, or certifications.” in its place.

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(B) Subsection (a) is amended as follows:

(i) Strike the word "license" and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensure" and insert the phrase "licensure, registration, or certification" in its place.

(C) Subsection (b) is amended by striking the word "licenses" and inserting the phrase "licenses, registrations, or certifications" in its place.

(D) Subsection (c) is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensee," both times it appears and insert the phrase "licensee, registrant, or person certified," in its place.

(E) Subsection (d) is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place

(iii) Strike the word "licensed" and insert the phrase "licensed, registered, or certified" in its place.

(F) Subsection (e) is amended to read as follows:

"(e) Each board shall renew the license, registration, or certification of each licensee, registrant, or person certified who meets the requirements of this section."

(12) Section 511 (D.C. Official Code § 3-1205.11) is amended as follows:

(A) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(B) Strike the word "license" both times it appears and insert the phrase "license, registration, or certification" in its place.

(C) Strike the word "licenses" and insert the phrase "a license, registration, or certification" in its place.

(13) Section 512 (D.C. Official Code § 3-1205.12) is amended as follows:

(A) The heading is amended by striking the phrase "Reinstatement of expired licenses." and inserting the phrase "Reinstatement of expired licenses, registrations, or certifications." in its place.

(B) Subsection (a) is amended by striking the word "license" wherever it appears and inserting the phrase "license, registration, or certification" in its place.

(C) Subsection (b) is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) The second sentence is amended to read as follows:

"The health professional may become licensed, registered, or certified by meeting the requirements then in existence for obtaining an initial license, registration, or certification under this title; except, that an individual applying for a license to practice nursing who has not been

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actively practicing for 5 years or more shall submit proof of having completed a board-approved refresher course in lieu of the requirements then in existence for obtaining an initial license.”.

(14) Section 513 (D.C. Official Code § 3-1205.13) is amended to read as follows:

“Sec. 513. Professional requirements.

“(a) Each licensee, registrant, or person certified shall:

“(1) Display the board-issued license, registration, or certification conspicuously in each place of business or employment of the licensee, registrant, or person certified;

“(2) Wear a tag at all times, if practical, while acting in a professional capacity that displays his or her name and profession or title;

“(3) Practice only under the legal name that appears on his or her license, registration, or certification;

“(4) Notify the board in writing of any:

“(A) Change of address of place of residence or place of business or employment within 30 days after the change of address;

“(B) Legal change of name within 30 days after the change; or

“(C) Termination, revocation, suspension, or voluntary surrender (“separation event”) of health care facility privileges by reason of incompetence or improper professional conduct, during any period while an application is pending or during the licensing, registration, or certification period by certified mail, return receipt, within 10 days of the separation event.

“(b) Each licensee, registrant, or person certified shall be subject to the penalties provided by this act for failure to comply with the requirements of this section.”.

(15) Section 514 (D.C. Official Code § 3-1205.14) is amended as follows:

(A) Subsection (a) is amended as follows:

(i) The lead-in language is amended to read as follows:

“(a) Each board, subject to the right of a hearing as provided by this title, on an affirmative vote of a majority of a quorum of its appointed members may take one or more of the disciplinary actions provided in subsection (c) of this section against any applicant for a license, registration, or certification, an applicant to establish or operate a school of nursing or nursing program, or a person permitted by this title to practice a health occupation regulated by the board in the District who:”.

(ii) Paragraphs (1) through (4) are amended to read as follows:

“(1) Fraudulently or deceptively obtains or attempts to obtain a license, registration, or certification for himself, herself, or another person;

“(2) Fraudulently or deceptively uses a license, registration, or certification;

“(3) Is disciplined by a licensing or disciplinary authority or peer review body

or

convicted or disciplined by a court of any jurisdiction for conduct that would be grounds for disciplinary action under this section; for the purposes of this paragraph, the term “convicted”

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means a judgment or other admission of guilt, including a plea of nolo contendere or an Alford plea;

“(4) Has been convicted in any jurisdiction of any crime involving moral turpitude, which for the purposes of this paragraph means a crime that:

“(A) Offends the generally accepted moral code of mankind;

“(B) Is one of baseness, vileness, or depravity in the conduct of the private and social duties that an individual owes to his or her fellow man or to society in general; or

“(C) Is one of conduct contrary to justice, honesty, modesty, or good morals.”.

(iii) Paragraph (10) is amended to read as follows:

“(10) Upon proper request, and payment of a reasonable copy fee, if required, fails to provide, within a reasonable period of time, a copy or summary report, if the patient or client consents, of the patient’s or client’s health care record to the patient or client, his or her legal representative or guardian, a hospital or third-party health professional licensed under this act or under the laws of another jurisdiction; for the purposes of this paragraph, the term “health care record” means any document, or combination of documents, except for a birth or death record or a record of admission to or discharge from a hospital or other health-care facility, that pertains to the history, diagnosis, or health condition of a patient or client and is generated and maintained in the process of providing health-care treatment, regardless of whether the health care record originated with or was previously in the possession of another health-care provider;”.

(iv) Paragraph (23) is amended to read as follows:

“(23) Engages in:

“(A) Sexual harassment of a patient or client;

“(B) Sexual contact with a patient or client concurrent with and by virtue of the practitioner-patient or practitioner-client relationship;

“(C) At any time during the course of the practitioner-patient or patient-client relationship, in conduct of a sexual nature that a reasonable patient or client would consider lewd or offensive; or

“(D) Sexual contact with a former patient or client when the patient or client may still be vulnerable by virtue of the power imbalance that existed in the practitioner-patient or practitioner-client relationship, even if the relationship may appear to be or is mutually consensual when such contact is likely to have an adverse impact on the patient or client;”.

(v) Paragraph (25) is amended by striking the phrase “drugs;” and inserting the phrase “drugs, or fails to conduct business with honesty and fair dealing with employees or students in his or her school of nursing or nursing program, the District of Columbia, a state, the federal government, or the public;” in its place.

(vi) Paragraph (28) is amended by striking the word “or” at the end of the sentence.

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(vii) Paragraph (29) is amended by striking the phrase “the Mayor.” and inserting the phrase “the Mayor;” in its place.

(viii) New paragraphs (30) through (45) are added to read as follows:

“(30) Abandons a patient; for the purposes of this paragraph, the term “abandons” means termination, without adequate notice, of the professional relationship between a health care provider and a patient or client at a time when the patient or client is in need

of further emergency care;

“(31) Knowingly fails to report suspected child abuse in violation of section 2 of An Act To provide for the mandatory reporting by physicians and institutions in the District of Columbia of certain physical abuse of children, approved November 5, 1966 (80 Stat. 1354; D.C. Official Code § 4-1321.02);

“(32) Refuses, withholds from, denies, or discriminates against an individual with regard to the provision of professional services that the licensee, registrant, or person certified is licensed and qualified to render because the individual is HIV positive;

“(33) Refuses on ethical, moral, or religious grounds to provide services to a patient, customer, or client;

“(34) By corrupt means, threats, or force, intimidates or influences, or attempts to intimidate or influence, any person for the purpose of causing the person to withhold or change his or her testimony in a hearing or proceeding before a board, court, or the Office of Administrative Hearings;

“(35) By corrupt means, threats, or force, hinders, prevents, or otherwise delays any person from making information available to a board, court, or the Office of Administrative Hearings in furtherance of any investigation of a board, court, or the Office of Administrative Hearings;

“(36) Intentionally misrepresents credentials for the purpose of testifying or rendering an expert opinion in a hearing or proceeding before a board, court, or the Office of Administrative Hearings;

“(37) Fails to keep adequate medical, dental, health, or client records, as determined by a review of a board;

“(38) Makes a misrepresentation or false promise, directly or indirectly, to influence, persuade, or induce patronage;

“(39) Practices under a name other than the name under which the individual is licensed, registered, or certified;

“(40) Makes a false or misleading statement regarding his or her skill or the efficacy or value of a medicine, treatment, or remedy prescribed or recommended by him or her, at his or her discretion, in the treatment of any disease or other condition of the body or mind;

“(41) Is subject to recurrent health claims or client-liability claims, which in a board’s opinion evidences professional incompetence likely to injure the public;

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“(42) Fails to cooperate in an investigation or obstructs an investigation ordered by a board;

“(43) Continues to practice a health profession when the licensed, registered, or certified individual knows he or she has an infectious or communicable disease and that there is a high probability that the disease may be transmitted to a patient or client;

“(44) Falsifies an application to establish a school of nursing or nursing program; or

“(45) Commits fraud or makes false claims in connection with the practice of an occupation regulated by this act, or relating to Medicaid, Medicare, or insurance.”.

(B) Subsection (c) is amended as follows:

(i) The lead-in language is amended to read as follows:

“Upon determination by the board that an applicant, licensee, registrant, person certified, or person permitted by this title to practice in the District has committed any of the acts described in subsection (a) of this section, the board may:”.

(ii) Paragraphs (1) through (5) are amended to read as follows:

“(1) Deny a license, registration, or certification to any applicant or an application to establish a school of nursing or nursing program;

“(2) Revoke or suspend the license, registration, or certification of any licensee, registrant, or person certified or withdraw approval of a school of nursing or nursing program;

“(3) Revoke or suspend the privilege to practice in the District of any person permitted by this title to practice in the District;

“(4) Reprimand any licensee, registrant, person certified, or person permitted by this title to practice in the District;

“(5) Impose a civil fine not to exceed \$5,000 for each violation by an applicant, licensee, registrant, person certified, or person permitted by this title to practice in the District;”.

(C) Subsection (e) is amended by striking the word “licensed” and inserting the phrase “licensed, registered, or certified” in its place.

(16) Section 515 (D.C. Official Code § 3-1205.15) is amended as follows:

(A) Subsection (a) is amended to read as follows:

“(a)(1) The Mayor may summarily suspend or restrict, without a hearing, the license, registration, or certification of a person:

“(A) Who has had his or her license, registration, or certification to practice the same profession or occupation revoked or suspended in another jurisdiction and has not had the license, registration, or certification to practice reinstated within that jurisdiction;

“(B) Who has been convicted of a felony;

“(C) Who has been adjudged incapacitated; or

“(D) Whose conduct presents an imminent danger to the health and safety of the public, as determined by the Mayor following an investigation.

“(2) A suspension or restriction shall not be stayed pending any appeal of the revocation, suspension, conviction, or judgment of incapacity.”.

(B) Subsection (b) is amended as follows:

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(i) Strike the word "license," and insert the phrase "license, registration, or certification," in its place.

(ii) Strike the word "licensee" both times it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(C) Subsection (c) is amended as follows:

(i) Strike the word "licensee" and insert the phrase "licensee, registrant, or person certified" in its place.

(ii) Strike the word "license" and insert the phrase "license, registration, or certification" in its place.

(D) Subsection (d) is amended by striking the word "licensee" and inserting the phrase "licensee, registrant, or person certified" in its place.

(17) Section 517 (D.C. Official Code § 3-1205.17) is amended as follows:

(A) The heading is amended by striking the phrase "Voluntary surrender of license." and inserting the phrase "Voluntary surrender of license, registration, or certification." in its place.

(B) Subsection (a) is amended by striking the word "license" both times it appears and inserting the phrase "license, registration, certification," in its place.

(C) Subsection (b) is amended by striking the word "license" and inserting the phrase "license, registration, or certification" in its place.

(D) Subsection (c) is amended to read as follows:

"(c) The voluntary surrender of a license, registration, or certification shall not preclude the imposition of civil or criminal penalties against the licensee, registrant, or person certified."

(18) Section 518 (D.C. Official Code § 3-1205.18) is amended as follows:

(A) The heading is amended by striking the phrase "Voluntary limitation or surrender of license by impaired health professional." and inserting the phrase "Voluntary limitation or surrender of a license, registration, or certification by impaired health professional." in its place.

(B) The text is amended as follows:

(i) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(ii) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(19) Section 519 (D.C. Official Code § 3-1205.19) is amended as follows:

(A) Strike the word "license" wherever it appears and insert the phrase "license, registration, or certification" in its place.

(B) Strike the word "licensee" wherever it appears and insert the phrase "licensee, registrant, or person certified" in its place.

(C) Subsection (i) is amended by striking the phrase "board in accordance" and inserting the phrase "board or an administrative law judge in accordance" in its place.

(20) Section 521 (D.C. Official Code § 3-1205.21) is amended as follows:

(A) The heading is amended by striking the phrase "Reinstatement of

ENROLLED ORIGINAL

suspended or revoked license.” and inserting the phrase “Reinstatement of suspended or revoked license, registration, or certification.” in its place.

(B) Subsection (a) is amended by striking the word “license” both times it appears and inserting the phrase “license, registration, or certification” in its place.

(C) Subsection (b) is amended by striking the word “licensed,” and inserting the phrase “licensed, registered, or certified,” in its place.

(21) A new section 523 (to be codified at D.C. Official Code § 3-1205.23) is added to read as follows:

“Sec. 523. Suspension of license, registration, or certification during incarceration for felony or misdemeanor conviction.

“A board may suspend the license, registration, or certification of a person during any time that the person is incarcerated after conviction of a felony or misdemeanor, regardless of whether the conviction has been appealed. A board, immediately upon receipt of a certified copy of a record of a criminal conviction, shall notify the person in writing at that person’s address of record with the board, and at the facility in which the person is incarcerated, of the suspension and that the person has a right to request a hearing. If requested, the hearing shall be held within 6 months of the release of the licensee, registrant, or person certified.”.

(f) Section 642 (D.C. Official Code § 3-1206.42) is amended as follows:

(1) Paragraph (1) is amended by striking the word “or” at the end.

(2) Paragraph (2) is amended by striking the phrase “Assistants.” and inserting the phrase “Assistants; or” in its place.

(3) A new paragraph (3) is added to read as follows:

“(3) The National Board of Surgical Technology and Surgical Assisting.”.

(g) Section 1001 (D.C. Official Code § 3-1210.01) is amended as follows:

(1) The heading is amended by striking the phrase “Practicing without a license.” and inserting the phrase “Practicing without license, registration, or certification.” in its place.

(2) The text is amended to read as follows:

“No person shall practice, attempt to practice, or offer to practice a health occupation licensed, registered, certified, or regulated under this act in the District unless currently licensed, registered, or certified, or exempted from licensure, registration, or certification, under this act.”.

(h) Section 1003 (D.C. Official Code § 3-1210.03) is amended as follows:

(1) Subsection (c) is amended to read as follows:

“(c) Unless authorized to practice chiropractic under this act, a person shall not use or imply the use of the words or terms “chiropractic,” “chiropractic physician,” “chiropractic orthopedist,” “chiropractic neurologist,” “chiropractic radiologist,” “chiropractor,” “Doctor of Chiropractic,” “D.C.,” or any similar title or description of services with the intent to represent that the person practices chiropractic.”.

(2) Subsection (i) is amended by striking the phrase “AL.O.T.”; or” and inserting the phrase “AL.O.T.”, “O.T.R/L.”, or” in its place.

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(3) Subsection (j) is amended by striking the phrase “AC.O.T.A.”, or” and inserting the phrase “AC.O.T.A.”, “O.T.A.L.”, or” in its place.

(4) Subsection (q) is amended by striking the phrase “”psychologist,” or” and inserting the phrase “psychologist”, “psychology associate”, or” in its place.

(5) Subsection (t) is amended by striking the phrase “a person shall not use the phrase “licensed professional counselor”” and inserting the phrase “a person shall not use the phrase “licensed professional counselor” or “licensed graduate professional counselor”” in its place.

(6) New subsections (bb), (cc), and (dd) are added to read as follows:

“(bb) Unless authorized to practice addiction counseling under this act, a person shall not use or imply the use of the words or terms “addiction counselor”, “licensed addiction counselor”, “supervised addiction counselor”, “certified addiction counselor I”, “certified addiction counselor II”, “advanced practice addiction counselor”, “C.A.C.I.”, “C.A.C.II.”, “A.P.A.C.”, or any similar title or description of services with the intent to represent that the person practices as an addiction counselor.

“(cc) Unless authorized to practice as nursing assistive personnel under this act, a person shall not use or imply the use of the words or terms “nursing assistant,” “home health aide,” “trained medication employee,” “dialysis technician,” “health aide,” or any similar title or description of services with the intent to represent that the person practices as a member of nursing assistive personnel.

“(dd) Unless authorized to practice polysomnography under this act, a person shall not use or imply the use of the words or terms “polysomnographic technologist”, “registered polysomnographic technologist”, “licensed polysomnographic technologist”, “RPSGT”, “LPSGT”, “polysomnographic technician”, “polysomnographic trainee”, or any similar title or description of services with the intent to represent that the person practices polysomnography.”.

(i) Section 1008 (D.C. Official Code § 3-1210.08) is amended as follows:

(1) Subsection (a) is amended by striking the phrase “Corporation Counsel” and inserting the phrase “Office of the Attorney General for the District of Columbia” in its place.

(2) Subsection (b) is amended by striking the phrase “from licensing” and inserting the phrase “from licensure, registration, or certification” in its place.

(j) Section 1010(a) (D.C. Official Code § 3-1210.10(a)) is amended by striking the phrase “The Corporation Counsel may bring an action” and inserting the phrase “The Office of the Attorney General for the District of Columbia may bring an action” in its place.

(k) A new section 1011 (to be codified at D.C. Official Code § 3-1210.11) is added to read as follows:

“Sec. 1011. Patient or client records.

“(a) Upon written request from a patient or client, or person authorized to have access to the patient’s record under a health care power of attorney for the patient or client, the health care provider having custody and control of the patient’s or client’s record shall furnish, within a reasonable period of time, a complete and current copy of that record. If the patient or client is deceased, the request may be made by:

“(1) A person authorized immediately prior to the decedent’s death to have

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access to the patient's or client's record under a health care power of attorney for the patient;

- "(2) The executor for the decedent's estate;
- "(3) The temporary executor for the decedent's estate;
- "(4) The administrator for the decedent's estate;
- "(5) The temporary administrator for the decedent's estate; or
- "(6) Any survivor of the decedent.

"(b)(1) A health care provider may require the patient or client, or person authorized to have access to the patient's or client's record, to pay a reasonable fee for copying, as determined by the board through rulemaking.

(2) For the purposes of this subsection, the term "record" includes a copy of a bill that has been requested by an individual but excludes x-rays.

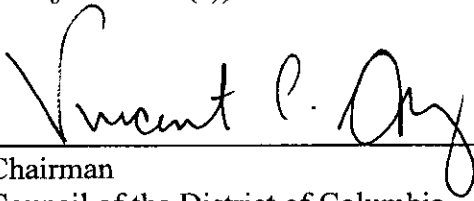
"(c) Medical or client records shall be maintained for a minimum period of 3 years from the date of last contact for an adult and a minimum period of 3 years after a minor reaches the age of majority."

Sec. 3. Fiscal impact statement.

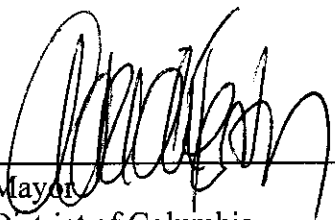
The Council adopts the fiscal impact statement of the Chief Financial Officer for the Health Occupations Revision General Amendment Act of 2009, signed by the Mayor on May 12, 2009 (D.C. Act 18-74; 56 DCR 4043), as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia

APPROVED
Codification District of Columbia Official Code, 2001 Edition
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-147

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, section 47-812.08 of the District of Columbia Official Code to require the District of Columbia Lottery and Charitable Games Control Board, or any payor, for certain lottery winnings, to deduct and withhold an amount equal to the highest tax rate as specified in section 47-1806.03, 47-1807.02, or 47-1808.03 of the District of Columbia Official Code.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Withholding of Tax on Lottery Winnings Congressional Review Emergency Act of 2009".

Sec. 2. Section 47-1812.08 of the District of Columbia Official Code is amended by adding a new subsection (I) to read as follows:

Note,
§ 47-1812.08

“(I) *Withholding from lottery winnings.* –

“(1) For the purposes of this subsection, the term:

“(A) “Constructive receipt” or “constructively received” means that payments of lottery winnings, although not actually within a taxpayer's possession, are deemed to be received by the payee and subject to District tax in the taxable year during which the lottery winner is determined by Powerball or other lottery drawing.

“(B) “Lottery winnings” means winnings which are subject to withholding as defined in section 3402(q) of the Internal Revenue Code of 1986, whether as a lump sum or annuitized payment.

“(C) “Payment” means the payment of lottery winnings.

“(D) “Payor” means a person responsible to make a payment subject to withholding under section 3402(q) of the Internal Revenue Code of 1986.

“(2) In making payments, whether actually or constructively received by the payee, of lottery winnings taxable under § 47-1803.02, 47-1807.02, or 47-1808.02, the District of Columbia Lottery and Charitable Games Control Board, or any payor, shall deduct and withhold from such payments an amount equal to the tax on such payments computed at the

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highest rate of tax under § 47-1806.03, 47-1807.02, or 47-1808.03, as applicable, in accordance with procedures to be established by the Chief Financial Officer.

“(3) Except as provided in paragraph (4) of this subsection, the withholding required by this section shall apply to any of the following payments:

“(A) A lump sum payment in the year the payment is made; or

“(B) A payment of an annuitized amount in the year the payment is made by any payor to a payee.

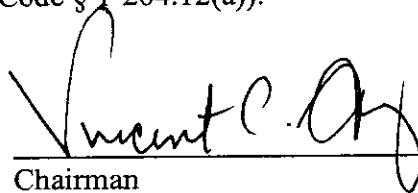
“(4) The withholding required by this subsection shall not apply to a payment to a nonresident, corporation, partnership, or limited liability company if the individual, shareholder, partner, or member of such entities provides the payor with a statement and documentary evidence, subject to review and approval by the Chief Financial Officer, that the income earned is not subject to District tax.”.

Sec. 3. Fiscal impact statement.

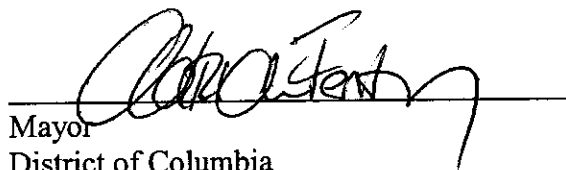
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

July 28, 2009
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-148

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009

To amend, on an emergency basis, due to Congressional review, the Equitable Parking Meter Rates Temporary Amendment Act of 2009 to provide authority for the Mayor to provide financial assistance to the O Street Market project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "City Market at O Street Project Financing Clarification Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 3 of the Equitable Parking Meter Rates Temporary Amendment Act of 2009, effective March 31, 2009 (D.C. Law 17-374; 56 DCR 1390), is amended as follows:

(a) Subsection (a)(1) is amended to read as follows:

"(1) \$1 million for a grant as authorized by section 14 of the City Market at O Street Tax Increment Financing Act of 2008, effective November 25, 2008 (D.C. Law 17-278; 55 DCR 11050);".

(b) Subsection (b) is repealed.

Sec. 3. Fiscal impact statement.

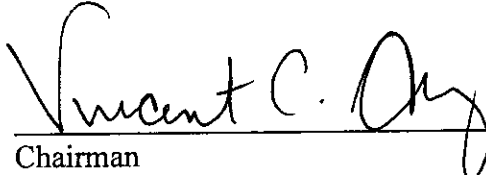
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

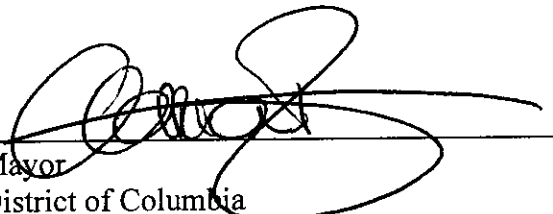
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-149

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009

*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To authorize, on an emergency basis, the issuance of tax increment financing bonds to support the FP/MLK, LLC, Historic Anacostia redevelopment project.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Historic Anacostia Project Great Streets Initiative Tax Increment Financing Emergency Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authorized Delegate" means the City Administrator, Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) "Available Real Property Tax Increment Revenues" means, for any fiscal year of the District, with respect to the Historic Anacostia Project TIF Area, the revenues resulting in that fiscal year from the imposition of the tax under Chapter 8 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the Home Rule Act, pledged to the payment of general obligation indebtedness of the District, minus those same revenues generated in the Real Property Tax Base Year; provided, that such revenues are not otherwise exclusively committed to another purpose.

(3) "Available Sales Tax Increment Revenues" means, for any fiscal year of the District, with respect to the Historic Anacostia Project TIF Area, the revenues resulting in that fiscal year from the imposition of the taxes under Chapters 20 and 22 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code §10-1202.08), minus those same revenues generated in the Sales Tax Base Year; provided that such revenues are not otherwise exclusively committed to another purpose.

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(4) "Available Tax Increment" means the sum of the Available Sales Tax Increment Revenues and Available Real Property Tax Increment Revenue.

(5) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(6) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(7) "Chairman" means the Chairman of the Council of the District of Columbia.

(8) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(9) "Closing Documents" means all documents and agreements, other than Financing Documents, that may be necessary and appropriate to issue, sell, and deliver the bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(10) "Council" means the Council of the District of Columbia.

(11) "Development Agreement" means the development agreement between the District and the Development Sponsor setting for the terms and conditions upon and pursuant to which the District will issue the Historic Anacostia Project TIF Bonds and the Development Sponsor will develop the project.

(12) "Development costs" has the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01(13)).

(13) "Development Sponsor" means FP/MLK, LLC, or a designee of or successor to FP/MLK, LLC, approved by the Mayor.

(14) "District" means the District of Columbia.

(15) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the bonds, including any offering document, and any required supplements to any such documents.

(16) "Historic Anacostia Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, rehabilitating, installing, and equipping of 2012 Shannon Place, S.E., 2122 Martin Luther King, Jr. Avenue, S.E., 2200 Martin Luther King Jr. Avenue, S.E. and 2204 Martin Luther King, Jr. Avenue, S.E., to accommodate existing and new retail tenants in the 11,149 square feet of leasable space in the rehabilitated structures.

(17) "Historic Anacostia Project TIF Area" means the area so designated in section 4.

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(18) "Home Rule Act" means the District of Columbia Home Rule Act, approved September 24, 1973 (87 Stat. 774; D.C. Official Code § 1-201.01 *et seq.*).

(19) "TIF" means tax increment financing.

Sec. 3. Creation of the Historic Anacostia Project Fund.

(a) There is established the Historic Anacostia Project Fund, as a nonlapsing fund, which shall be used as provided in subsection (c) of this section. The Chief Financial Officer shall deposit into the Historic Anacostia Project Fund the Available Tax Increment and any other taxes or fees specifically designated by statute for deposit in the Historic Anacostia Project Fund.

(b) The Mayor may pledge and create a security interest in the funds in the Historic Anacostia Project Fund, or any sub-account or sub-accounts within the Historic Anacostia Project Fund, for the payment of the costs of carrying out any of the purposes described in subsection (c) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. If bonds are issued, such payment will be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(c) The monies deposited in the Historic Anacostia Project Fund may be used to:

(1) Secure the repayment of the bonds;

(2) Pay debt service, including principal, premium, if any, and interest on the bonds; and

(3) Finance, refinance, or reimburse the District or the Development Sponsor for costs of the Historic Anacostia Project.

(d) All funds deposited into the Historic Anacostia Project Fund, and any interest earned thereon, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitations, subject to authorization by Congress.

Sec. 4. Creation of the Historic Anacostia Project TIF Area.

There is established the Historic Anacostia Project TIF Area, which shall consist of the following real property:

(1) Lot 984, Square 5772 (with a street address of 2012 Shannon Place, S.E.);

(2) Lot 78, Square 5782 (with a street address of 2122 Martin Luther King, Jr. Avenue, S.E.);

(3) Lot 12, Square 5791 (with a street address of 2200 Martin Luther King, Jr. Avenue S.E.); and

(4) Lot 933, Square 5791 (with a street address of 2204 Martin Luther King, Jr. Avenue, S.E.).

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(b)(1) The base year for determination of Available Sales Tax Revenues from locations within the Historic Anacostia Project TIF Area shall be calendar year 2007.

(2) The base year for determination of Available Real Property Tax Revenues from locations within the Historic Anacostia Project TIF Area shall be the tax year of the District beginning on October 1, 2008, and ending on September 30, 2009, and the initial assessed value to be used in making the determination of Available Real Property Tax Revenues shall be the assessed value of each lot of taxable real property in the Historic Anacostia Project TIF Area as of January 1, 2008.

Sec. 5. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of bonds in an aggregate amount not to exceed \$1,110,250 to fund costs of the Historic Anacostia Project, including development costs, the financing costs and costs of issuance, capitalized interest, establishment of debt service or other reserve funds related to the bonds, and any other debt program-related costs as determined by the Chief Financial Officer.

(b) The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by the Available Tax Increment and other funds deposited in the Historic Anacostia Project Fund.

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, trustee and paying agent fees, collection agent fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses.

Sec. 6. Bond details.

(a) The Mayor may take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the

ENROLLED ORIGINAL

replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes and fees allocated to the Historic Anacostia Project Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee or paying agent to be selected by the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

(g) The bonds are declared to be issued for essential public and governmental purposes. The bonds and the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(h) The District hereby pledges, covenants, and agrees with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way, the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, and all costs and expenses in connection with any suit, action or proceeding by or on behalf of the holders of the

ENROLLED ORIGINAL

bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act and notwithstanding Article 9 of Title 28 of the District of Columbia Official Code.

(1) A pledge made and security interest created in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

(2) The lien of the pledge shall be valid, binding, and perfected as against all parties having any claim of any kind in tort, contract or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding, and perfected whether or not any statement, document or instrument relating to the security interest is recorded or filed.

Sec. 7 . Issuance of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The bonds also may be issued as a TIF note to the Development Sponsor and may be held and used as security for debt incurred or to be incurred by the Development Sponsor, an agent of the Development Sponsor, or another party selected by the Development Sponsor.

(c) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(d) The Mayor is authorized to deliver executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(e) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

(f) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for purposes of this act.

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Sec. 8. Payment and security.

(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Historic Anacostia Project Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 9. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 10 . Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the

ENROLLED ORIGINAL

Available Tax Increment and any other taxes or fees allocated to the Historic Anacostia Project Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) No person, including, but not limited to any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Authority of the Chief Financial Officer.

Notwithstanding any other provision of this act, any action taken by the Mayor to implement the provisions of this act shall be consistent with the Chief Financial Officer's authority under section 424(d) of the Home Rule Act.

ENROLLED ORIGINAL

Sec. 15. Fiscal impact of issuance.

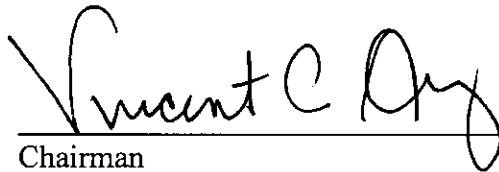
For the purposes of determining the fiscal impact of this act, the Bonds issued pursuant to this act shall be deemed to be issued under the authority of Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), as a project within the Martin Luther King, Jr. Avenue, S.E./South Capitol Street Retail Priority Area established pursuant the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194).

Sec. 16. Fiscal impact statement.

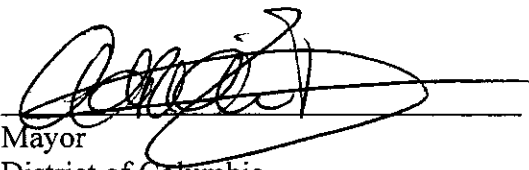
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a))



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009

ENROLLED ORIGINAL

AN ACT
D.C. ACT 18-150IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
JULY 31, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, Chapter 46 of Title 47 of the District of Columbia Official Code to defer real property taxes owed by a local and small neighborhood development to protect the viability of small businesses' developments planned in the Rhode Island Avenue Corridor.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Neighborhood Development Tax Deferral Congressional Review Emergency Act of 2009".

Sec. 2. Chapter 46 of Title 47 of the District of Columbia Official Code is amended as follows:

(a) The table of contents is amended by adding a new section designation to read as follows:

"47-4624. Rhode Island Avenue development parcels--tax deferral."

(b) A new section 47-4624 is added to read as follows:

"§ 47-4624. Rhode Island Avenue development parcels--tax deferral.

"Upon application, the Mayor shall defer, until October 1, 2009, the real property tax imposed by Chapter 8 of this title on Rhode Island Avenue development parcels 4219/0010, 4219/0009, 4192/0012, and 4217/0003. If the real property tax is deferred and paid prior to October 1, 2009, penalty and interest shall be abated. The foregoing parcels shall not be sold at tax sale during 2009; provided, that any court-ordered foreclosure of a parcel pending prior to the effective date of this section shall supersede the provisions of this section with respect to that particular parcel and the real property owner shall be responsible for any tax sale legal fees."

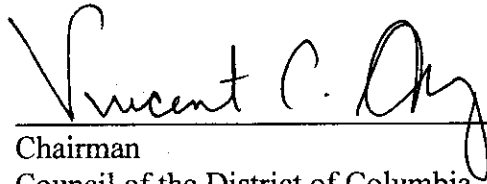
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

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Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-151

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, due to Congressional review, An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia to grant the Board of Library Trustees the authority to procure goods and services independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985 ("PPA"), except for provisions of the PPA pertaining to contract protests, appeals, and claims, and to make the independent procurement authority of the Board of Library Trustees contingent upon it issuing procurement regulations that have been approved by the Council; and to amend the PPA to exempt the Board of Library Trustees from the provisions of the act except for those provisions pertaining to contract protests, appeals, and claims.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "DCPL Procurement Congressional Review Emergency Amendment Act of 2009".

Sec. 2. Section 5 of An Act To establish and provide for the maintenance of a free public library and reading room in the District of Columbia, approved June 3, 1896 (29 Stat. 244; D.C. Official Code § 39-105), is amended as follows:

Note,
§ 39-105

(a) Subsection (a) is amended as follows:

(1) Paragraph (1) is amended by striking all text after the semicolon.

(2) Paragraph (3) is amended to read as follows:

"(3) Have the authority to procure all goods and services necessary to operate the library system, independent of the Office of Contracting and Procurement and the requirements of the District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*) ("Act"), except as specified in section 320 of the Act, and in accordance with subsection (c) of this section;"

(b) A new subsection (c) is added to read as follows:

"(c)(1) The rules published at page 493 of volume 55 of the District of Columbia Register (55 DCR 493) are revived. The Board may exercise procurement authority consistent with rules published at page 493 of volume 55 of the District of Columbia Register (55 DCR 493) until the rules are amended or superseded.

ENROLLED ORIGINAL

“(2) The Board may issue rules to implement the provisions of this section. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, by resolution, within the 45-day period, the proposed rules shall be deemed disapproved.”.

Sec. 3. Section 320 of the District of Columbia Procurement Practices Act of 1985, effective April 12, 1997 (D.C. Law 11-259; D.C. Official Code § 2-303.20), is amended by adding a new subsection (r-1) to read as follows:

Note,
§ 2-303.20

“(r-1) Nothing in this act shall affect the authority of the Board of Library Trustees, except that Title IX shall apply to contract protests, appeals, and claims arising from procurements of the Board of Library Trustees.”.

Sec. 4. Applicability.

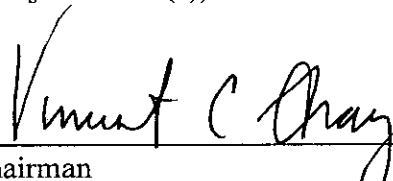
This act shall apply as of May 31, 2009.

Sec. 5. Fiscal impact statement.

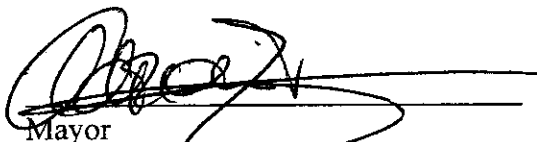
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED

July 28, 2009
Codification District of Columbia Official Code, 2001 Edition

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-152

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 30, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To require, on an emergency basis, due to Congressional review, the Mayor to submit to the Council a comprehensive analysis of proposed child day care services to be offered by the city via third party vendors prior to issuing a request for offers by the District, and that all current day care services remain open until September 30, 2009.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Day Care Facility Congressional Review Emergency Act of 2009".

Sec. 2. (a) The Mayor shall withdraw any request for offers, and not issue any future request for offers, for the use of any District-owned or District-operated property for any child development program or child care program until the Mayor submits to the Council for a 30-day period of review, prior to any action, the following:

- (1) A comprehensive analysis of any proposed child day care services;
- (2) A detailed report on efforts being made to find employment with potential awardees, or any other entity, for separated Department of Parks and Recreation day care employees;
- (3) An examination of whether the District's laws on privatization (section 105b of the District of Columbia Procurement Practices Act of 1985, effective March 19, 1994 (D.C. Law 10-79; D.C. Official Code § 2-301.05b)) have been followed; and
- (4) A detailed report on the future of special needs/developmental programs and care in the Department of Parks and Recreation and the District.

(b) All day care services and child development programs that are proposed to be removed from the Department of Parks and Recreation during fiscal year 2010 shall remain open until September 30, 2009.

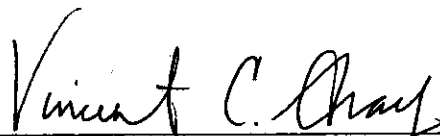
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia

UNSIGNED

Mayor
District of Columbia
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-153

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Hospital and Medical Services Corporation Regulatory Act of 1996 to extend the length of time allowed for the Commissioner of the Department of Insurance, Securities, and Banking to review the surplus of nonprofit hospital and health services medical corporations; to amend the Medical Insurance Empowerment Amendment Act of 2008 to add conditions for the applicability of open enrollment provisions; and to repeal the Medical Insurance Empowerment Emergency Amendment Act of 2009 to repeal obsolete implementation provisions.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Medical Insurance Empowerment Surplus Review Emergency Amendment Act of 2009".

Sec. 2. Section 7(e) of the Hospital and Medical Services Corporation Regulatory Act of 1996, effective April 9, 1997 (D.C. Law 11-245; D.C. Official Code § 31-3506(e)), is amended by striking the phrase "120 days" and inserting the phrase "180 days" in its place.

Note,
§ 31-3506

Sec. 3. The Medical Insurance Empowerment Amendment Act of 2008, effective March 25, 2009 (D.C. Law 17-369; 56 DCR 1346), is amended by adding a new section 2a to read as follows:

"Sec 2a. Applicability.

"Section 2(f) shall not apply until 90 days after the Commissioner completes his surplus review as required by section 2(e) and transmits a copy of the determination to the Council. This section shall apply as of March 25, 2009."

Sec. 4. The Medical Insurance Empowerment Emergency Amendment Act of 2009, effective April 29, 2009 (D.C. Act 18-51; 56 DCR 356), is repealed.

Sec. 5. Fiscal impact statement.

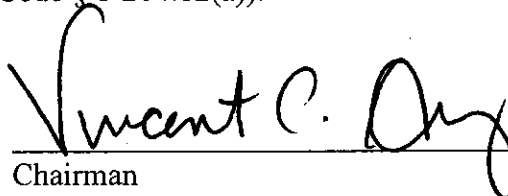
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act,

ENROLLED ORIGINAL

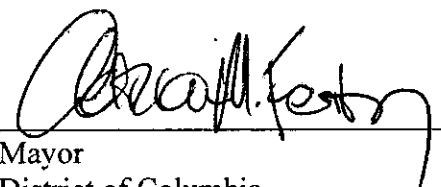
approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 6. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-154

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Retail Electric Competition and Consumer Protection Act of 1999 to prohibit the electric company from disconnecting residential electric service when the heat index is forecasted to be 95 degrees Fahrenheit or above.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Heat Wave Safety Emergency Amendment Act of 2009".

Sec. 2. The Retail Electric Competition and Consumer Protection Act of 1999, effective May 9, 2000 (D.C. Law 13-107; D.C. Official Code § 34-1501 *et seq.*), is amended by adding a new section 106a to read as follows:

"Sec. 106a. Disconnection of service in extreme temperature prohibited.

"(a) For the purposes of this section, the term "forecast of extreme temperature" means a National Weather Service forecast that the heat index for the District of Columbia will be 95 degrees Fahrenheit or above at any time during a day.

"(b) The electric company shall not disconnect residential electric service during the day preceding, and the day of, a forecast of extreme temperature. If the forecast of extreme temperature precedes a holiday or weekend day, the electric company shall not disconnect residential electric service on any day during the holiday or weekend."

Sec. 3. Fiscal impact statement.

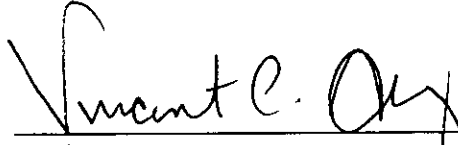
The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

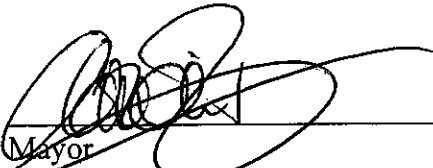
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section

ENROLLED ORIGINAL

412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-155

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To amend, on an emergency basis, the Clean and Affordable Energy Act of 2008 to increase the assessment imposed upon the sales of the electric company to maintain current subsidized discounted rates for low-income electric customers through Fiscal Year 2009 and to authorize a one-time expenditure from an existing fund balance in the Energy Assistance Trust Fund for an outstanding Fiscal Year 2008 Residential Aid Discount Program balance.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Residential Aid Discount Subsidy Stabilization Emergency Amendment Act of 2009".

Sec. 2. Section 211 of the Clean and Affordable Energy Act of 2008, effective October 22, 2008 (D.C. Law 17-250; D.C. Official Code § 8-1774.11), is amended as follows: Note,
§ 8-1774.11

(a) Subsection (b)(2) is amended by striking the phrase "\$.0004 per-kilowatt hour" and inserting the phrase "\$.0004 per-kilowatt hour; provided, that there is imposed upon the sales of the electric company an additional assessment of \$.0016 per-kilowatt hour for the month of September 2009 only" in its place.

(b) Subsection (c)(2) is amended by striking the word "annually" and inserting the phrase "annually; provided, that the subsidy shall be in the amount of \$5.207 million for Fiscal Year 2009" in its place.

(c) A new subsection (f) is added to read as follows:

"(f) The Mayor may make a payment to PEPCO in the amount of \$1,022,428.16 from the Energy Assistance Trust Fund as a final accounting and reconciliation for the Fiscal Year 2008 expenditures of the Residential Aid Discount Program."

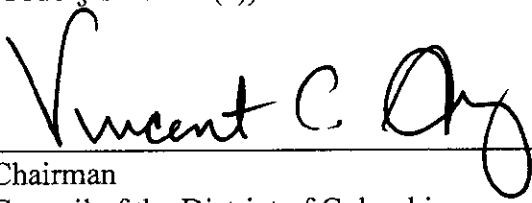
Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02 (c))(3)).

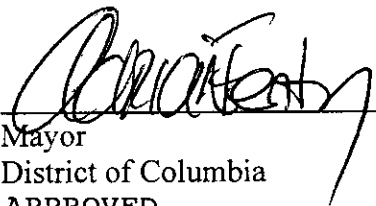
ENROLLED ORIGINAL

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009

ENROLLED ORIGINAL

AN ACT

D.C. ACT 18-156

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

JULY 28, 2009*Codification
District of
Columbia
Official Code*

2001 Edition

2009 Fall
Supp.West Group
Publisher

To authorize, on an emergency basis, the issuance of tax increment financing bonds to support the retail development on Georgia Avenue, N.W.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Georgia Avenue Retail Project Great Streets Initiative Tax Increment Financing Emergency Act of 2009".

Sec. 2. Definitions.

For the purposes of this act, the term:

(1) "Authorized Delegate" means the City Administrator, Deputy Mayor for Planning and Economic Development, the Chief Financial Officer, the Treasurer, or any officer or employee of the executive office of the Mayor to whom the Mayor has delegated any of the Mayor's functions under this act pursuant to section 422(6) of the Home Rule Act.

(2) "Available Real Property Tax Increment Revenues" means the revenues resulting in that fiscal year from the imposition of the tax under Chapter 8 of Title 47, including any penalties and interest charges, exclusive of the special tax provided for in section 481 of the Home Rule Act (D.C. Official Code § 1-204.81), pledged to the payment of general obligation indebtedness of the District, minus those same revenues generated in the Real Property Tax Base Year; provided that such revenues are not otherwise exclusively committed to another purpose.

(3) "Available Sales Tax Increment Revenues" means, for any fiscal year of the District, with respect to the Georgia Avenue Retail Project TIF Area, the revenues resulting in that fiscal year from the imposition of the taxes under Chapters 20 and 22 of Title 47 of the District of Columbia Official Code, including any penalties and interest charges, exclusive of the portion thereof required to be deposited in the Washington Convention Center Authority Fund established pursuant to section 208 of the Washington Convention Center Authority Act of 1994, effective September 28, 1994 (D.C. Law 10-188; D.C. Official Code §10-1202.08), minus those same revenues generated in the Sales Tax Base Year; provided that such revenues are not otherwise exclusively committed to another purpose.

(4) "Available Tax Increment" means the sum of the Available Sales Tax

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Increment Revenues and Available Real Property Tax Increment Revenue.

(5) "Bond Counsel" means a firm or firms of attorneys designated as bond counsel from time to time by the Mayor.

(6) "Bonds" means the District of Columbia revenue bonds, notes, or other obligations (including refunding bonds, notes, and other obligations), in one or more series, authorized to be issued pursuant to this act.

(7) "Chairman" means the Chairman of the Council of the District of Columbia.

(8) "Chief Financial Officer" means the Chief Financial Officer of the District of Columbia.

(9) "Closing Documents" means all documents and agreements other than Financing Documents that may be necessary and appropriate to issue, sell, and deliver the bonds, and includes agreements, certificates, letters, opinions, forms, receipts, and other similar instruments.

(10) "Council" means the Council of the District of Columbia.

(11) "Development Agreement" means the development agreement between the District and the Development Sponsor setting for the terms and conditions upon and pursuant to which the District will issue the Georgia Avenue Retail Project TIF Bonds and the Development Sponsor will develop the project.

(12) "Development costs" has the same meaning as in section 2(13) of the Tax Increment Financing Authorization Act of 1998, effective September 11, 1998 (D.C. Law 12-143; D.C. Official Code § 2-1217.01(13)).

(13) "Development Sponsor" means Lakritz Adler Investment, or a designee of or successor to Lakritz Adler Investment approved by the Mayor.

(14) "District" means the District of Columbia.

(15) "Financing Documents" means the documents, other than Closing Documents, that relate to the financing or refinancing of transactions to be effected through the issuance, sale, and delivery of the Bonds, including any offering document, and any required supplements to any such documents.

(16) "Home Rule Act" means the District of Columbia Home Rule Act, approved September 24, 1973 (87 Stat. 777; D.C. Official Code § 1-201.01 *et seq.*).

(17) "Georgia Avenue Retail Project" means the financing, refinancing, or reimbursing of costs incurred for the acquisition, construction, rehabilitating, installing, and equipping of 3642-3646 Georgia Avenue, N.W., to accommodate a new CVS Pharmacy retail tenants in no less than 10,000 square feet of leasable space in the new structure.

(18) "Georgia Avenue Retail Project TIF Area" means the area so designated in section 4.

(19) "TIF" means tax increment financing.

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Sec. 3. Creation of the Georgia Avenue Retail Project Fund.

(a) There is established the Georgia Avenue Retail Project Fund, as a nonlapsing fund, which shall be used as provided in subsection (c) of this section. The Chief Financial Officer shall deposit into the Georgia Avenue Retail Project Fund the Available Tax Increment and any other taxes or fees specifically designated by statute for deposit in the Georgia Avenue Retail Project Fund.

(b) The Mayor may pledge and create a security interest in the funds in the Georgia Avenue Retail Project Fund, or any sub-account or sub-accounts within the Georgia Avenue Retail Project Fund, for the payment of the costs of carrying out any of the purposes described in subsection (c) of this section without further action by the Council as permitted by section 490(f) of the Home Rule Act. If bonds are issued, such payment will be made in accordance with the provisions of the Financing Documents entered into by the District in connection with the issuance of the bonds.

(c) The monies deposited in the Georgia Avenue Retail Project Fund may be used to:

(1) Secure the repayment of the Bonds;

(2) Pay debt service, including principal, premium, if any, and interest on the Bonds; and

(3) Finance, refinance, or reimburse the District or the Development Sponsor for costs of the Georgia Avenue Retail Project.

(d) All funds deposited into the Georgia Avenue Retail Project Fund, and any interest earned thereon, shall not revert to the unrestricted fund balance of the General Fund of the District of Columbia at the end of a fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in subsection (c) of this section without regard to fiscal year limitations, subject to authorization by Congress.

Sec. 4. Creation of the Georgia Avenue Retail Project TIF Area.

(a) There is established the Georgia Avenue Retail Project TIF Area, which shall consist of the following real property: (i) Square 2897, Lot 147 (with a street address of 3646 Georgia Avenue, N.W.); and (ii) Square 2897, Lot 145 (with a street address of 3642 Georgia Avenue, N.W.).

(b)(1) The base year for determination of Available Sales Tax Revenues from locations within the Georgia Avenue Retail Project TIF Area shall be calendar year 2007.

(2) The base year for determination of Available Real Property Tax Revenues shall be the tax year of the District beginning on October 1, 2008, and ending on September 30, 2009, and the initial assessed value to be used in making the determination of Available Real Property Tax Revenues shall be the assessed value of each lot of taxable real property in the Georgia Avenue Retail Project TIF Area as of January 1, 2008.

Sec. 5. Bond authorization.

(a) The Council approves and authorizes the issuance of one or more series of bonds in

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an aggregate amount not to exceed \$1,934,731 to fund costs of the Georgia Avenue Retail Project, including development costs, the financing costs and costs of issuance, capitalized interest, establishment of debt service or other reserve funds related to the bonds, and any other debt program-related costs as determined by the Chief Financial Officer.

(b) The bonds, which may be issued from time to time, in one or more series, shall be tax-exempt or taxable as the Mayor shall determine and shall be payable from and secured by the Available Tax Increment and other funds deposited in the Georgia Avenue Retail Project Fund.

(c) The Mayor is authorized to pay from the proceeds of the bonds the costs and expenses of issuing and delivering the bonds, including, but not limited to, underwriting, rating agency fees, legal fees, accounting fees, financial advisory fees, trustee and paying agent fees, collection agent fees, bond insurance and other credit enhancements, liquidity enhancements, printing costs and expenses.

Sec. 6. Bond details.

(a) The Mayor may take any action reasonably necessary or appropriate in accordance with this act in connection with the preparation, execution, issuance, sale, delivery, security for, and payment of the bonds of each series, including, but not limited to, determinations of:

(1) The final form, content, designation, and terms of the bonds, including a determination the bonds may be issued in certificated or book-entry form;

(2) The principal amount of the bonds to be issued and denominations of the bonds;

(3) The rate or rates of interest or the method for determining the rate or rates of interest on the bonds;

(4) The date or dates of issuance, sale, and delivery of, and the payment of interest on the bonds, and the maturity date or dates of the bonds;

(5) The terms under which the bonds may be paid, optionally or mandatorily redeemed, accelerated, tendered, called, or put for redemption, repurchase, or remarketing before their respective stated maturities;

(6) Provisions for the registration, transfer, and exchange of the bonds and the replacement of mutilated, lost, stolen, or destroyed bonds;

(7) The creation of any reserve fund, sinking fund, or other fund with respect to the bonds;

(8) The time and place of payment of the bonds;

(9) Procedures for monitoring the use of the proceeds received from the sale of the bonds to ensure that the proceeds are properly applied and used to accomplish the purposes of the Home Rule Act and this act;

(10) Actions necessary to qualify the bonds under blue sky laws of any jurisdiction where the bonds are marketed; and

(11) The terms and types of credit enhancement under which the bonds may be

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secured.

(b) The bonds shall contain a legend, which shall provide that the bonds are special obligations of the District, are without recourse to the District, are not a pledge of, and do not involve, the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes and fees allocated to the Georgia Avenue Retail Project Fund), do not constitute a debt of the District, and do not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(c) The bonds shall be executed in the name of the District and on its behalf by the manual or facsimile signature of the Mayor, and attested by the Secretary of the District of Columbia by the Secretary's manual or facsimile signature.

(d) The official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds.

(e) The bonds of any series may be issued in accordance with the terms of a trust instrument to be entered into by the District and a trustee or paying agent to be selected by the Mayor, and may be subject to the terms of one or more agreements entered into by the Mayor pursuant to section 490(a)(4) of the Home Rule Act.

(f) The bonds may be issued at any time or from time to time in one or more issues and in one or more series.

(g) The bonds are declared to be issued for essential public and governmental purposes. The bonds and the interest thereon and the income therefrom, and all monies pledged or available to pay or secure the payment of the bonds, shall at all times be exempt from taxation by the District, except for estate, inheritance, and gift taxes.

(h) The District hereby pledges, covenants, and agrees with the holders of the bonds that, subject to the provisions of the Financing Documents, the District will not limit or alter the revenues pledged to secure the bonds or the basis on which such revenues are collected or allocated, will not impair the contractual obligations of the District to fulfill the terms of any agreement made with the holders of the bonds, will not in any way impair the rights or remedies of the holders of the bonds, and will not modify in any way, the exemptions from taxation provided for in this act, until the bonds, together with interest thereon, and all costs and expenses in connection with any suit, action or proceeding by or on behalf of the holders of the bonds, are fully met and discharged. This pledge and agreement for the District may be included as part of the contract with the holders of the bonds. This subsection constitutes a contract between the District and the holders of the bonds. To the extent that any acts or resolutions of the Council may be in conflict with this act, this act shall be controlling.

(i) Consistent with section 490(a)(4)(B) of the Home Rule Act (D.C. Official Code § 1-204.90(a)(4)(B)) and notwithstanding D.C. Official Code § 28:9-101 *et seq.*

(1) A pledge made and security interest created in respect of the bonds or pursuant to any related Financing Document shall be valid, binding, and perfected from the time the security interest is created, with or without physical delivery of any funds or any property and with or without any further action;

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(2) The lien of the pledge shall be valid, binding and perfected as against all parties having any claim of any kind in tort, contract or otherwise against the District, whether or not such party has notice; and

(3) The security interest shall be valid, binding and perfected whether or not any statement, document or instrument relating to the security interest is recorded or filed.

Sec. 7. Issuance of the bonds.

(a) The bonds of any series may be sold at negotiated or competitive sale at, above, or below par, to one or more persons or entities, and upon terms that the Mayor considers to be in the best interests of the District.

(b) The bonds also may be issued as a TIF note to the Development Sponsor and may be held and used as security for debt incurred or to be incurred by the Development Sponsor, an agent of the Development Sponsor, or another party selected by the Development Sponsor.

(c) The Mayor or an Authorized Delegate may execute, in connection with each sale of the bonds, offering documents on behalf of the District, may deem final any such offering document on behalf of the District for purposes of compliance with federal laws and regulations governing such matters, and may authorize the distribution of the documents in connection with the sale of the bonds.

(d) The Mayor is authorized to deliver executed and sealed bonds, on behalf of the District, for authentication, and, after the bonds have been authenticated, to deliver the bonds to the original purchasers of the bonds upon payment of the purchase price.

(e) The bonds shall not be issued until the Mayor receives an approving opinion from Bond Counsel as to the validity of the bonds of such series and, if the interest on the bonds is expected to be exempt from federal income taxation, the treatment of the interest on the bonds for purposes of federal income taxation.

(f) The District of Columbia Procurement Practices Act of 1985, effective February 21, 1986 (D.C. Law 6-85; D.C. Official Code § 2-301.01 *et seq.*), and subchapter III of Chapter 3 of Title 47 of the District of Columbia Official Code shall not apply to any contract the Mayor may from time to time enter into, or the Mayor may determine to be necessary or appropriate, for purposes of this act.

Sec. 8. Payment and security.

(a) Except as may be otherwise provided in this act, the principal of, premium, if any, and interest on, the bonds shall be payable solely from proceeds received from the sale of the bonds, income realized from the temporary investment of those proceeds, receipts and revenues realized by the District from the Georgia Avenue Retail Project Fund, income realized from the temporary investment of those receipts and revenues prior to payment to the bond owners, other moneys that, as provided in the Financing Documents, may be made available to the District for payment of the bonds from sources other than the District, all as provided for in the Financing Documents.

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(b) Payment of the bonds shall be secured as provided in the Financing Documents and by an assignment by the District for the benefit of the bond owners of certain of its rights under the Financing Documents and Closing Documents to the trustee for the bonds pursuant to the Financing Documents.

(c) The trustee or paying agent is authorized to deposit, invest, and disburse the proceeds received from the sale of the bonds pursuant to the Financing Documents.

Sec. 9. Financing and Closing Documents.

(a) The Mayor is authorized to prescribe the final form and content of all Financing Documents and all Closing Documents to which the District is a party that may be necessary or appropriate to issue, sell, and deliver the bonds.

(b) The Mayor is authorized to execute, in the name of the District and on its behalf, the Financing Documents and any Closing Documents to which the District is a party by the Mayor's manual or facsimile signature.

(c) If required, the official seal of the District, or a facsimile of it, shall be impressed, printed, or otherwise reproduced on the bonds, the other Financing Documents, and the Closing Documents to which the District is a party.

(d) The Mayor's execution and delivery of the Financing Documents and the Closing Documents to which the District is a party shall constitute conclusive evidence of the Mayor's approval, on behalf of the District, of the final form and content of the executed Financing Documents and the executed Closing Documents.

(e) The Mayor is authorized to deliver the executed and sealed Financing Documents and Closing Documents, on behalf of the District, prior to or simultaneously with the issuance, sale, and delivery of the bonds, and to ensure the due performance of the obligations of the District contained in the executed, sealed, and delivered Financing Documents and Closing Documents.

Sec. 10. Limited liability.

(a) The bonds shall be special obligations of the District. The bonds shall be without recourse to the District. The bonds shall not be general obligations of the District, shall not be a pledge of or involve the faith and credit or the taxing power of the District (other than the Available Tax Increment and any other taxes or fees allocated to the Georgia Avenue Retail Project Fund), shall not constitute a debt of the District, and shall not constitute lending of the public credit for private undertakings as prohibited in section 602(a)(2) of the Home Rule Act.

(b) The bonds shall not give rise to any pecuniary liability of the District and the District shall have no obligation with respect to the purchase of the bonds.

(c) No person, including, but not limited to any bond owner, shall have any claims against the District or any of its elected or appointed officials, officers, employees, or agents for monetary damages suffered as a result of the failure of the District to perform any covenant, undertaking, or obligation under this act, the bonds, the Financing Documents, or the Closing

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Documents, or as a result of the incorrectness of any representation in or omission from the Financing Documents or the Closing Documents, unless the District or its elected or appointed officials, officers, employees, or agents have acted in a willful and fraudulent manner.

Sec. 11. District officials.

(a) Except as otherwise provided in section 10(c), the elected or appointed officials, officers, employees, or agents of the District shall not be liable personally for the payment of the bonds or be subject to any personal liability by reason of the issuance of the bonds, or for any representations, warranties, covenants, obligations, or agreements of the District contained in this act, the bonds, the Financing Documents, or the Closing Documents.

(b) The signature, countersignature, facsimile signature, or facsimile countersignature of any official appearing on the bonds, the Financing Documents, or the Closing Documents shall be valid and sufficient for all purposes notwithstanding the fact that the individual signatory ceases to hold that office before delivery of the bonds, the Financing Documents, or the Closing Documents.

Sec. 12. Maintenance of documents.

Copies of the specimen bonds and of the final Financing Documents and Closing Documents shall be filed in the Office of the Secretary of the District of Columbia.

Sec. 13. Information reporting.

Within 3 days after the Mayor's receipt of the transcript of proceedings relating to the issuance of the bonds, the Mayor shall transmit a copy of the transcript to the Secretary to the Council.

Sec. 14. Authority of the Chief Financial Officer.

Notwithstanding any other provision of this act, any action taken by the Mayor to implement the provisions of this act shall be consistent with the Chief Financial Officer's authority under section 424(d) of the District of Columbia Home Rule Act.

Sec. 15. Fiscal impact of issuance.

For the purposes of determining the fiscal impact of this act, the Bonds issued pursuant to this act shall be deemed to be issued under the authority of the Retail Incentive Act of 2004, effective September 8, 2004 (D.C. Law 15-185; D.C. Official Code § 2-1217.71 *et seq.*), as a project within the Petworth Retail Priority Area established pursuant to the Great Streets Neighborhood Retail Priority Areas Approval Resolution of 2007, effective July 10, 2007 (Res. 17-257; 54 DCR 7194).

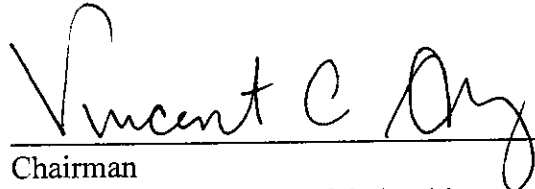
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Sec. 16. Fiscal impact statement.

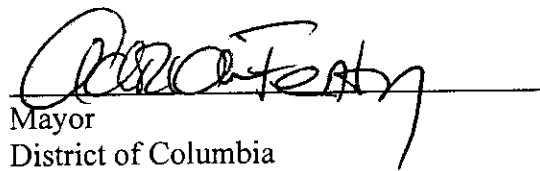
The Council adopts the fiscal impact statement of the Chief Financial Officer as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 17. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), and shall remain in effect for no longer than 90 days, as provided for emergency acts of the Council of the District of Columbia in section 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788; D.C. Official Code § 1-204.12(a)).



Chairman
Council of the District of Columbia



Mayor
District of Columbia
APPROVED
July 28, 2009